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H.59

Introduced by Representative Townsend of South Burlington

Referred to Committee on

Date:

Subject: Legislature; Vermont Statutes Annotated; technical corrections

Statement of purpose of bill as introduced: This bill proposes to make

nonsubstantive technical changes to the Vermont Statutes Annotated.

An act relating to technical corrections

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 2 V.S.A. § 20 is amended to read:

§ 20. LIMITATION ON DISTRIBUTION AND DURATION OF AGENCY
REPORTS

(a) Unless otherwise provided by law, whenever it is required by statute, ~~regulation~~ rule, or otherwise that an agency submit an annual, biennial, or other periodic report to the General Assembly, that requirement shall be met by submission by January 15 of copies of the report for activities in the preceding fiscal year to the Clerk of the House, the Secretary of the Senate, the Legislative Council, and such individual members of the General Assembly or committees that specifically request a copy of the report. To the extent

1 practicable, reports shall also be placed on the agency's Internet website. No
2 general distribution or mailing of such reports shall be made to members of the
3 General Assembly.

4 * * *

5 Sec. 2. 3 V.S.A. § 473 is amended to read:

6 § 473. FUNDS

7 (a) Assets. All of the assets of the Retirement System shall be credited to
8 the Vermont State Retirement Fund.

9 * * *

10 Sec. 3. 3 V.S.A. § 928 is amended to read:

11 § 928. RULES

12 (a) The Board, as necessary to carry out the provisions of this chapter, shall
13 ~~make adopt~~ and may amend and rescind ~~and adopt such rules and regulations~~
14 consistent with this chapter, ~~as may be necessary to carry out the provisions of~~
15 ~~this chapter~~.

16 (b) Notwithstanding the provisions of subsection (a) of this section, rules
17 adopted by the Board as they relate to grievance appeals shall provide:

18 (1) If a collective bargaining agreement provides that an appeal to the
19 Board will constitute the final step in the grievance procedure, all employees
20 and other persons authorized by this chapter shall have the right to appeal to
21 the Board in accordance with the rules ~~and regulations~~ of the Board.

22 * * *

1 Sec. 4. 3 V.S.A. § 962 is amended to read:

2 § 962. EMPLOYEES

3 It shall be an unfair labor practice for an employee organization or its
4 agents:

5 * * *

6 (10) To charge a collective bargaining service fee unless such employee
7 organization has established and maintained a procedure to provide
8 nonmembers with:

9 (A) an audited financial statement that identifies the major categories
10 of expenses, and divides them into chargeable and nonchargeable expenses;

11 (B) an opportunity to object to the amount of the agency collective
12 bargaining service fee sought, any amount reasonably in dispute to be placed
13 in escrow;

14 (C) prompt arbitration by the Board to resolve any objection over the
15 amount of the collective bargaining service fee.

16 Sec. 5. 3 V.S.A. § 1027 is amended to read:

17 § 1027. EMPLOYEES

18 It shall be an unfair labor practice for an employee organization or its
19 agents:

20 * * *

21 (10) To charge a collective bargaining service fee unless the employee

1 organization has established and maintained a procedure to provide
2 nonmembers with all the following:

3 (A) an audited financial statement that identifies the major categories
4 of expenses and divides them into chargeable and nonchargeable expenses;

5 (B) an opportunity to object to the amount of the fee requested and to
6 place in escrow any amount reasonably in dispute;

7 (C) prompt arbitration by the Board to resolve any objection over the
8 amount of the collective bargaining service fee.

9 Sec. 6. 4 V.S.A. § 1105 is amended to read:

10 § 1105. ANSWER TO COMPLAINT; DEFAULT

11 * * *

12 (f) If a person fails to appear or answer a complaint, the Bureau shall enter
13 a default judgment against the person. However, no default judgment shall be
14 entered until the filing of a declaration by the issuing officer or State's
15 Attorney, under penalty of perjury, setting forth facts showing that the
16 defendant is not a person in military service as defined ~~at 50 App. U.S.C. §~~
17 ~~544~~ in 50 U.S.C. § 3911 (Servicemembers Civil Relief Act definitions),
18 except upon order of the hearing officer in accordance with ~~the~~
19 ~~Servicemembers Civil Relief Act, 50 App. U.S.C. Titles I-II~~ the Act. The
20 Bureau shall mail a notice to the person that a default judgment has been
21 entered. A default judgment may be set aside by the hearing officer for good

1 cause shown.

2 * * *

3 Sec. 7. 6 V.S.A. § 648 is amended to read:

4 § 648. INSPECTIONS

5 * * *

6 (c) For those seeds sold in containers of more than ten pounds, a report
7 shall be filed annually on January 15 on forms supplied by the Secretary
8 regarding sales during the previous calendar year, and fees based on the
9 ~~35-cent per hundredweight~~ \$10.00 per ton rate shall accompany the report.
10 Reporting periods are January 1-June 30 and July 1-December 31.

11 (d) For those seeds sold in containers of ten pounds or less, the fee of
12 ~~\$75.00~~ \$85.00 per company shall be paid annually prior to distribution in the
13 State. Fees shall be paid annually on January 1.

14 * * *

15 Sec. 8. 6 V.S.A. § 1104 is amended to read:

16 § 1104. POWERS OF SECRETARY

17 The Secretary in furtherance of the purposes of this chapter may:

18 * * *

19 (3) Adopt standards, procedures, and requirements relating to the
20 display, sale, use, application, treatment, storage, or disposal of economic
21 poisons or their waste products and limit the conditions under which the same

1 may be sold, used, treated, stored, or disposed of. The use of pesticides which
2 the Secretary finds to have a hazardous or long-term deleterious effect on the
3 environment shall be restricted, and permits shall be required for their use in
4 accordance with ~~regulations~~ rules adopted by the Secretary. Specific uses of
5 certain pesticides deemed to present a likely risk to human health or be
6 dangerous shall be restricted by ~~regulation~~ rule or by ordering the deletion of
7 certain uses for registered pesticides from the label on pesticide products to be
8 marketed in the State. Approved methods for the safe display, storage, and
9 shipping of poisonous pesticides shall be prescribed and enforced. Procedures
10 for the disposal of pesticides which are illegal, obsolete, surplus, or in
11 damaged containers shall be adopted and enforced with the cooperation of the
12 Agency of Natural Resources.

13 * * *

14 (8) Revoke or suspend any license or certificate for failure to comply
15 with this chapter or any rule ~~or regulation~~ adopted under its authority, or for
16 being subject to a final order imposing a civil penalty under 7 U.S.C. ~~section~~
17 § 136 l or for being convicted under 7 U.S.C. ~~section~~ § 136 l on due notice to
18 the licensee or holder of the certificate with an opportunity for hearing if a
19 written request for hearing is filed with the Secretary within five days of
20 receipt of notice of a violation.

21 (9) Make, adopt, revise, and amend reasonable rules ~~and regulations~~ as

1 he or she deems necessary with the advice of the Pesticide Advisory Council in
2 order to carry out the provisions of this chapter.

3 (10) Appoint assistants, subject to applicable laws and ~~regulations~~ rules,
4 to perform or assist in the performance of any duties or functions of the
5 Secretary under this chapter.

6 (11) Enter into reciprocal agreements with appropriate pesticide control
7 agencies of other states or the federal government for the acceptance of
8 licensing and certification of pesticide applicators and operators, provided their
9 standards and administration are substantially equal to the standards
10 established by the Secretary under the provisions of this chapter and the
11 ~~regulations~~ rules thereto.

12 (12) Cooperate fully with the federal government or other agency in the
13 operation of any joint federal-state programs concerning the ~~regulation~~ rule of
14 the application or use of pesticides, such programs, including ~~but not limited to~~
15 the program promulgated by Public Law 92-516 of the 92nd Congress.

16 (13) Institute appropriate proceedings on behalf of the Agency to
17 enforce this chapter and any ~~regulations duly promulgated thereunder~~ rules
18 adopted pursuant to this chapter. Whenever the Secretary believes that any
19 person is in violation of the provisions of this chapter or ~~regulations~~ rules
20 adopted thereunder pursuant to this chapter, an action may be brought in the
21 name of the Agency in a court of competent jurisdiction against the person to

1 restrain by temporary or permanent injunction the continuation or repetition of
2 the violation. The court may issue temporary or permanent injunctions
3 without bond, and other relief as may be necessary and appropriate for
4 abatement of any violation.

5 (14) In any case in which the Secretary has authority to institute an
6 action or proceeding under this chapter, in lieu thereof he or she may accept an
7 assurance of discontinuance of any violation of any of the statutes and
8 ~~regulations~~ rules specified in this chapter including schedules of abatement for
9 a violation. Any assurance of discontinuance shall be prepared in writing with
10 the assistance of the Attorney General. The assurance shall be signed by all
11 parties, and at the discretion of the Secretary, the Attorney General shall
12 submit the assurance of discontinuance to the Superior ~~court~~ Court having
13 jurisdiction over the subject matter, and shall request that the presiding judge
14 sign the document and issue it as an order of the court. Evidence of a violation
15 of such assurance shall be prima facie proof of violation of a statute or
16 ~~regulation~~ rule specified ~~above~~ in this chapter as cited in the assurance. Prior
17 to institution of any action or proceeding under this subdivision, the Secretary
18 whenever he or she believes any person to be or to have been in violation of
19 any statute or ~~regulation~~ rule specified in this subdivision may issue a notice of
20 violation setting forth the nature of the violation, the corrective action
21 necessary to abate the violation, and the notice of intention to institute an

1 action or proceeding against the person responsible for the violation. In that
2 event, the Secretary shall provide the person within 30 days of the notice an
3 opportunity to be heard and an opportunity to settle the matter by an assurance
4 to discontinue prior to instituting an action or proceeding as provided for in
5 this subdivision.

6 * * *

7 Sec. 9. 6 V.S.A. § 1105a is amended to read:

8 § 1105a. TREATED ARTICLES; POWERS OF SECRETARY; BEST
9 MANAGEMENT PRACTICES

10 (a) The Secretary of Agriculture, Food and Markets, upon the
11 recommendation of the Pesticide Advisory Council, may adopt by rule:

12 (1) best management practices, standards, procedures, and requirements
13 relating to the sale, use, storage, or disposal of treated articles the use of which
14 the Pesticide Advisory Council has determined will have a hazardous or long-
15 term deleterious effect on the environment, presents a likely risk to human
16 health, or is dangerous;

17 * * *

18 (3) requirements ~~by the Secretary~~ for the examination or inspection of
19 treated articles the use of which the Pesticide Advisory Council has determined
20 will have a hazardous or long-term deleterious effect on the environment,
21 presents a likely risk to human health, or is dangerous;

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Sec. 10. 6 V.S.A. § 1109 is amended to read:

§ 1109. LICENSING RETAIL DEALERS

The Secretary may adopt ~~regulations~~ rules requiring persons selling Class C pesticides at retail to be licensed under this chapter, and may establish reasonable requirements for obtaining licenses. The license fee for a retail dealer shall be \$25.00 for one year or any part thereof for each store or place of business operated by the retail dealer. The license period shall be January 1 to December 31.

Sec. 11. 6 V.S.A. § 1111 is amended to read:

§ 1111. ADMINISTRATIVE PENALTIES

(a) The ~~secretary~~ Secretary may assess an administrative penalty, not to exceed \$1,000.00 per violation for private applicators or certified private applicators or \$5,000.00 per violation for certified noncommercial applicators, certified commercial applicators, licensed dealers, licensed companies or permit holders, in any case in which he or she determines that an applicator, dealer, licensed company or permit holder has done any of the following acts in violation of this chapter, or of the ~~rules or regulations promulgated~~ rules adopted under this chapter:

* * *

(7) violated the terms or conditions of a permit issued pursuant to this

1 chapter, or pursuant to the rules ~~or regulations promulgated~~ adopted pursuant
2 to this chapter.

3 * * *

4 Sec. 12. 6 V.S.A. § 3302 is amended to read:

5 § 3302. DEFINITIONS

6 As used in this chapter, except as otherwise specified, the following terms
7 shall have the meanings stated below:

8 (1) “Adulterated” shall apply to any livestock product or poultry
9 product under one or more of the following circumstances:

10 (A) If it contains any poisonous or harmful substance which may
11 render it injurious to health. The product shall not be considered adulterated
12 under this definition if the quantity of the substance in or on the product does
13 not ordinarily render it injurious to health.

14 * * *

15 (C) If it is a raw agricultural commodity and the commodity contains
16 a pesticide chemical which is unsafe within the meaning of ~~section 408 of the~~
17 ~~Federal Food, Drug, and Cosmetic Act~~ 21 U.S.C. § 346a (tolerances for
18 pesticide residues).

19 (D) If it contains any food additive which is unsafe within the
20 meaning of ~~section 409 of the Federal Food, Drug, and Cosmetic Act~~
21 21 U.S.C. § 348 (unsafe food additives).

1 (E) If it contains any color additive which is unsafe within the
2 meaning of ~~section 706 of the Federal Food, Drug, and Cosmetic Act~~
3 21 U.S.C. § 379e (listing of color additives). A product which is not
4 otherwise deemed adulterated under subdivisions (1)(C) and (D) of this section
5 and this subdivision shall be deemed adulterated if use of the pesticide
6 chemical, food additive, or color additive in or on the product is prohibited by
7 rules of the Secretary in official or licensed establishments.

8 * * *

9 (J) If it has been subjected to radiation, unless the use of the radiation
10 was in conformity with a regulation or exemption in effect pursuant to ~~section~~
11 ~~409 of the Federal Food, Drug, and Cosmetic Act~~ 21 U.S.C. § 348.

12 * * *

13 (11) “Federal Food, Drug, and Cosmetic Act” means the Act so entitled,
14 approved June 25, 1938 (52 Stat. 1040), and amendatory or supplementary
15 acts codified at 21 U.S.C. §§ 301-399f. It shall include as part of its meaning
16 the “Vermont Food, Drug, Cosmetic and Hazardous Substance Labeling Act”
17 codified at 18 V.S.A. chapter 82, subchapter 1, rules promulgated adopted
18 under that chapter, and amendatory or supplementary acts, where not
19 inconsistent with the “Federal Food, Drug, and Cosmetic Act.”

20 * * *

21 (13) “Handler of dead, dying, disabled, or diseased animals” means any

1 person who buys, sells, transports, or otherwise handles any animal which died
2 other than by slaughter, or any animal which displays symptoms of having any
3 of the following:

4 (A) central nervous system disorder;

5 * * *

6 (G) any of the conditions for which livestock is required to be
7 condemned on antemortem inspection in accordance with the requirements of
8 this chapter and the rules ~~promulgated~~ adopted pursuant to this chapter.

9 * * *

10 (25) "Misbranded" shall apply to any livestock product or poultry
11 product under one or more of the following circumstances:

12 (A) if its labeling is false or misleading in any way;

13 * * *

14 (I) if it is not subject to the provisions of subdivision (25)(G) of this
15 section, unless its label bears:

16 (i) the common or usual name of the food, if any; and

17 (ii) in case it is fabricated from two or more ingredients, the
18 common name of each ingredient, except that spices, flavorings, and colorings
19 may, when authorized by the Secretary, be designated as spices, flavorings,
20 and colorings without naming each; provided, that, to the extent that
21 compliance with the requirements of subdivision (ii) of this subdivision (I) is

1 impracticable, or results in deception or unfair competition, exemptions shall
2 be established by rules ~~promulgated~~ adopted by the Secretary;

3 * * *

4 (K) if it contains any artificial flavoring, artificial coloring, or
5 chemical preservative, unless it has a label stating that fact; provided, that to
6 the extent that compliance with the requirements of this subdivision (K) is
7 impracticable, exemptions shall be established by rules ~~promulgated~~ adopted
8 by the Secretary;

9 * * *

10 Sec. 13. 9 V.S.A. § 2453 is amended to read:

11 § 2453. PRACTICES PROHIBITED; ANTITRUST AND CONSUMER
12 PROTECTION

13 * * *

14 (c) The Attorney General shall ~~make~~ adopt rules ~~and regulations~~, when
15 necessary and proper to carry out the purposes of this chapter, relating to
16 unfair methods of competition in commerce and unfair or deceptive acts or
17 practices in commerce. The rules ~~and regulations~~ shall not be inconsistent
18 with the rules, regulations, and decisions of the Federal Trade Commission and
19 the federal courts interpreting the Federal Trade Commission Act.

20 (d) Violation of a rule ~~or regulation as made~~ adopted by the Attorney
21 General is prima facie proof of the commission of an unfair or deceptive act in

1 commerce.

2 * * *

3 Sec. 14. 9 V.S.A. § 2461c is amended to read:

4 § 2461c. PREDATORY PRICING

5 * * *

6 (c) The Attorney General shall ~~make~~ adopt rules ~~and regulations~~ when
7 necessary and proper to carry out the purposes of this section. The rules ~~and~~
8 ~~regulations~~ shall not be inconsistent with the rules, regulations, and decisions
9 of the Federal Trade Commission or with the decisions of the courts of the
10 United States construing federal anti-trust law.

11 * * *

12 Sec. 15. 9 V.S.A. § 2730 is amended to read:

13 § 2730. LICENSING FOR OPERATION OF WEIGHING AND
14 MEASURING DEVICES

15 * * *

16 (c) Any person wishing to obtain a license to operate a weighing or
17 measuring device shall annually apply to the Secretary, on forms provided by
18 the Secretary, on or before January 1. Each application shall be accompanied
19 by a fee as specified in this section. Except for new applicants, any applicant
20 who applies for a license after January 1 shall pay ~~an additional late fee equal~~
21 ~~to 10 percent of the specified fee~~ the late fee assessed by the Secretary

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* * *

(d) Where the Secretary has determined that the disposal of a hazardous waste at an uncontrolled hazardous waste site presents a hazard to health or the environment, the Secretary shall provide notice to a town of the location of that uncontrolled site which has been found to exist in the town and to be regulated under this chapter. The notice shall identify the location of the site, the wastes involved, the actions proposed to be taken by the Secretary under this chapter and the location where the records on the site are being maintained by State government. The Secretary shall also notify the town when conditions noticed ~~above~~ under this subsection are no longer a hazard. These notices shall be recorded in accord with 24 V.S.A. § 1154.

* * *

Sec. 19. 10 V.S.A. § 6615 is amended to read:

§ 6615. LIABILITY

* * *

(d)(1) There shall be no liability under this section for a person otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of hazardous material and the resulting damages ~~resulting therefrom~~ were caused solely by any of the following:

* * *

(D) Any combination of ~~the above~~ subdivisions (A)–(C) of this

1 subdivision (1).

2 * * *

3 Sec. 20. 10 V.S.A. § 7714 is amended to read:

4 § 7714. TYPE 3 PROCEDURES

5 (a) Purpose; scope.

6 * * *

7 (2) The procedures under this section shall be known as Type 3
8 Procedures. This section governs each of the following:

9 * * *

10 (C) An application or request for approval of:

11 ~~(i) an individual shoreland permit under chapter 49A of this title;~~

12 ~~(ii)~~(i) an aquatic nuisance control permit under chapter 50 of this
13 title;

14 ~~(iii)~~(ii) a change in treatment for a public water supply under
15 chapter 56 of this title;

16 ~~(iv)~~(iii) a collection plan for mercury-containing lamps under
17 section 7156 of this title;

18 ~~(v)~~(iv) an individual plan for the collection and recycling of
19 electronic waste under section 7554 of this title; and

20 ~~(vi)~~(v) a primary battery stewardship plan under section 7586 of
21 this title.

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Sec. 21. 16 V.S.A. § 140 is amended to read:

§ 140. TOBACCO USE PROHIBITED ON PUBLIC SCHOOL GROUNDS

No person shall be permitted to use tobacco products or tobacco substitutes as defined in 7 V.S.A. § 1001 on public school grounds or at public school sponsored functions. Public school boards may adopt policies that include confiscation and appropriate referrals to law enforcement authorities.

Sec. 22. 16 V.S.A. § 1981 is amended to read:

§ 1981. DEFINITIONS

As used in this chapter unless the context requires otherwise:

* * *

(7) “Agency fee” means a fee deducted by an employer from the salary or wages of an employee who is not a member of an employee organization, which is paid to the employee organization that is the exclusive bargaining agent for the bargaining unit of the employee. The ~~collective bargaining~~ service agency fee shall not exceed 85 percent of the amount payable as dues by members of the employee organization and shall be deducted in the same manner as dues are deducted from the salary or wages of members of the employee organization and shall be used to defray the costs of chargeable activities.

* * *

1 Sec. 23. 16 V.S.A. § 2004 is amended to read:

2 § 2004. AGENDA

3 The school board, through its negotiations council, shall, upon request,
4 negotiate with representatives of the teachers' or administrators' organization
5 negotiations council on matters of salary, related economic conditions of
6 employment, the manner in which it will enforce an employee's obligation to
7 pay the agency service fee, procedures for processing complaints and
8 grievances relating to employment, and any mutually agreed upon matters not
9 in conflict with the statutes and laws of the State of Vermont.

10 Sec. 24. 16 V.S.A. § 2974 is amended to read:

11 § 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

12 * * *

13 (f) Within 30 days of receipt of the supervisory union's report of progress,
14 the Secretary shall notify the supervisory union that its progress is either
15 satisfactory or not satisfactory.

16 * * *

17 (2) If the ~~district~~ supervisory union fails to make satisfactory progress
18 after the first year of withholding, 10 percent shall be withheld in each
19 subsequent year pending satisfactory compliance with the plan; provided,
20 however, before funds are withheld in any year under this subdivision (f)(2),
21 the supervisory union shall explain to the State Board either the reasons the

1 supervisory union believes it made satisfactory progress on the remediation
2 plan or the reasons it failed to do so. The State Board's decision whether to
3 withhold funds under this subdivision shall be final.

4 * * *

5 Sec. 25. 18 V.S.A. § 130 is amended to read:

6 § 130. CIVIL ENFORCEMENT

7 (a) The ~~commissioner~~ Commissioner, or a local board of health, may bring
8 an action in the ~~superior court~~ Superior Court of the county in which a
9 violation or a public health hazard or public health risk has occurred or is
10 occurring, to enforce the provisions of this title, or the rules, permits or orders
11 issued pursuant thereto, including ~~but not limited to~~ the terms of an assurance
12 of discontinuance entered into under section 125 of this title.

13 (b) The court may grant temporary and permanent injunctive relief and
14 may exercise all the powers available to it, including ~~but not limited to~~:

15 * * *

16 Sec. 26. 18 V.S.A. § 1123 is redesignated to read:

17 § 1123. IMMUNIZATION RULES ~~AND REGULATIONS~~

18

19 Sec. 27. 18 V.S.A. § 4230 is amended to read:

20 § 4230. MARIJUANA

21 * * *

1 (b) Selling or dispensing.

2 * * *

3 (3) A person knowingly and unlawfully selling or dispensing one pound
4 or more of marijuana or 2.8 ounces or more of hashish shall be imprisoned not
5 more than 15 years or fined not more than \$500,000.00, or both.

6 * * *

7 Sec. 28. 18 V.S.A. § 5212b is amended to read:

8 § 5212b. UNMARKED BURIAL SITES SPECIAL FUND; REPORTING OF
9 UNMARKED BURIAL SITES

10 * * *

11 ~~The commissioner of economic, housing and community development~~
12 Commissioner of Housing and Community Development may authorize
13 disbursements from the ~~fund~~ Fund for use in any municipality in which human
14 remains are discovered in unmarked burial sites in accordance with a process
15 approved by the ~~commissioner~~ Commissioner. The ~~commissioner~~
16 Commissioner may approve any process developed through consensus or
17 agreement of the interested parties, including the municipality, a Native
18 American group historically based in Vermont with a connection to the
19 remains, owners of private property on which there are known or likely to be
20 unmarked burial sites, and any other appropriate interested parties, provided
21 the ~~commissioner~~ Commissioner determines that the process is likely to be

1 effective, and includes all the following:

2 * * *

3 Sec. 29. 20 V.S.A. § 3908 is redesignated to read:

4 § 3908. ADOPTION OF ~~REGULATIONS~~ RULES

5 Sec. 30. 21 V.S.A. § 4 is amended to read:

6 § 4. DUTIES AS TO EMPLOYMENT AND PAYMENT OF WAGES

7 The Commissioner or the Commissioner's agent shall make examinations
8 and investigations to see that the laws pertaining to the employment of minors
9 ~~and women~~ and the weekly payment of wages are being complied with and for
10 such purposes may enter any place where persons are employed.

11 Sec. 31. 21 V.S.A. § 6 is amended to read:

12 § 6. DUTY WHEN UNITED STATES AT WAR

13 With the approval of the Governor, the Commissioner of Labor may
14 suspend the operation of the laws relating to the hours of employment of
15 ~~women and~~ children while the United States is at war.

16 Sec. 32. 21 V.S.A. § 305 is amended to read:

17 § 305. NURSING MOTHERS IN THE WORKPLACE

18 * * *

19 (d) In lieu of an enforcement action through the Vermont Judicial Bureau,
20 the Attorney General or a State's Attorney may enforce the provisions of this
21 section by bringing a civil action for temporary or permanent injunctive relief,

1 economic damages, including prospective lost wages for a period not to exceed
2 one year, and investigative and court costs. The Attorney General or a State's
3 Attorney may conduct an investigation of an alleged violation and enter into a
4 settlement agreement with the employer. Such investigation shall not be a
5 prerequisite to bringing a court action.

6 Sec. 33. 21 V.S.A. § 345 is amended to read:

7 § 345. NONPAYMENT OF WAGES AND BENEFITS

8 (a) Each employer who violates ~~sections~~ section 342, 343, 482, and or 483
9 of this title shall be fined not more than \$5,000.00. Where the employer is a
10 corporation, the president or other officers who have control of the payment
11 operations of the corporation shall be considered employers and liable to the
12 employee for actual wages due when the officer has willfully and without good
13 cause participated in knowing violations of this chapter.

14 * * *

15 Sec. 34. 21 V.S.A. § 418 is amended to read:

16 § 418. OTHER RIGHTS

17 The rights and remedies provided to employees by this subchapter do not
18 infringe upon or alter any other contractual or statutory rights and remedies of
19 the employees. Nothing in this ~~section~~ subchapter is intended to alter or
20 diminish or replace any federal or State regulatory mandates for a shutdown or
21 closure of a regulated business or entity.

1 Sec. 35. 21 V.S.A. § 435 is amended to read:

2 § 435. EXAMINATION AND REPORT

3 When so ordered by the Secretary of Education, the superintendent of
4 schools for the school district where the child under 16 years of age resides
5 shall examine the child for the purpose of determining the child's eligibility for
6 employment in accordance with the provisions of ~~sections~~ section 432 and 433
7 of this title and shall, upon the completion of the examination, make a written
8 report to the Secretary of Education who shall transmit a copy of the report to
9 the Commissioner.

10 Sec. 36. 21 V.S.A. § 473 is amended to read:

11 § 473. RETALIATION PROHIBITED

12 An employer shall not discharge or in any other manner retaliate against an
13 employee who exercises or attempts to exercise his or her rights under this
14 subchapter. The provisions against retaliation in subdivision 495(a)(8) of this
15 title and the penalty and enforcement provisions of section 495b of this title
16 shall apply to this subchapter.

17 Sec. 37. 21 V.S.A. § 474 is amended to read:

18 § 474. PENALTIES AND ENFORCEMENT

19 (a) The ~~provisions against retaliation in subdivision 495(a)(8) of this title~~
20 ~~and the penalty and enforcement provisions of section 495b of this title~~ shall
21 apply to this subchapter.

1 (b) An employer may bring a civil action to recover compensation paid to
2 the employee during leave, except payments made for accrued sick leave or
3 vacation leave, and court costs to enforce the provisions of subsection 472(h)
4 of this title.

5 Sec. 38. 21 V.S.A. § 495g is amended to read:

6 § 495g. PROVISION APPLICABLE TO COLLEGE PROFESSORS

7 Nothing in this act subchapter shall be construed to prohibit any institution
8 of higher education as defined by section 1201(a) of the federal Higher
9 Education Act of 1965 from retiring any employee who is serving under a
10 contract of unlimited tenure, who attains 65 years of age prior to July 1, 1982,
11 or 70 years of age thereafter. Any employee whose tenure contract is
12 terminated may, in the discretion of the institution, be allowed to continue in
13 the employ of the institution on a nontenured basis.

14 Sec. 39. 21 V.S.A. § 624 is amended to read:

15 § 624. DUAL LIABILITY; CLAIMS, SETTLEMENT PROCEDURE

16 * * *

17 (f) Expenses of recovery shall be the reasonable expenditures, including
18 attorney's fees, incurred in effecting the recovery. Attorney's fees, unless
19 otherwise agreed upon, shall be divided among the attorneys for the plaintiff as
20 directed by the court. The expenses of recovery ~~above mentioned~~ shall be
21 apportioned by the court between the parties as their interests appear at the

1 time of the recovery.

2 * * *

3 Sec. 40. 21 V.S.A. § 635 is amended to read:

4 § 635. PERIODS OF COMPENSATION

5 The compensation provided for by the provisions of this chapter shall be
6 payable during the following periods:

7 (1)(A) Spouse. To a spouse until:

8 (A)(i) ~~The age of 62~~ sixty-two years of age if at that time the spouse
9 is entitled to benefits under the Social Security Act as amended or thereafter at
10 such time as the spouse is entitled to benefits under the Social Security Act as
11 amended; or

12 (B)(ii) ~~Remarriage~~ remarriage; or

13 (C)(iii) ~~Death~~ death, whichever occurs first.

14 (B) However, in no event shall the spouse receive less than a sum
15 equal to 330 times the maximum weekly compensation except when the
16 compensation terminates by reason of death;_

17 (2) Child. To or for a child, during dependency as ~~hereinbefore~~ defined
18 in section 634 of this title;_

19 (3) Parent or Grandparent. To a parent or grandparent, during the
20 continuation of a condition of actual dependency, but in no case to exceed 264
21 weeks;_and_

1 (4) Grandchild or sibling. To or for a grandchild, brother, or sister,
2 during dependency as ~~hereinbefore~~ defined in section 634 of this title, but in
3 no case to exceed 264 weeks.

4 Sec. 41. 21 V.S.A. § 640 is amended to read:

5 § 640. MEDICAL BENEFITS; ASSISTIVE DEVICES; HOME AND
6 AUTOMOBILE MODIFICATIONS

7 (a) An employer subject to the provisions of this chapter shall furnish to an
8 injured employee reasonable surgical, medical and nursing services and
9 supplies, including prescription drugs and durable medical equipment. The
10 employer shall provide assistive devices and modification to vehicles and
11 residences reasonably necessary to permit an injured worker who is
12 determined to have or expected to suffer a permanent disability, such as an
13 ambulatory disability as defined in ~~section 271 of this title~~ 20 V.S.A. § 2900 or
14 blindness as defined in ~~section 271~~ 20 V.S.A. § 2900, that substantially and
15 permanently prevents or limits the worker's ability to continue to live at home
16 or perform basic life functions. In determining what devices and
17 modifications are reasonably necessary, consideration shall be given to factors
18 that include ownership of the residence to be modified, the length of time the
19 worker is expected to utilize and benefit from the devices or modifications,
20 and the extent to which the devices or modifications enhance or improve the
21 worker's independent functioning. The employer shall also furnish reasonable

1 hospital services and supplies, including surgical, medical, and nursing
2 services while the injured employee is confined in a hospital for treatment and
3 care.

4 * * *

5 Sec. 42. 21 V.S.A. § 671 is amended to read:

6 § 671. JURISDICTION; FINDINGS FOR NEW AWARD

7 The jurisdiction of such court shall be limited to a review of questions of
8 fact or questions of fact and law certified to it by the Commissioner and upon
9 completion of the case in Superior Court, either after trial or upon remand
10 from the Supreme Court, the clerk shall certify the findings of the court to the
11 Commissioner who shall thereupon make a new order in accordance therewith
12 and shall forthwith send to each of the parties a copy of such order. Such new
13 order shall have all the force and effect of an award made pursuant to the
14 provisions of sections 663, and 664 ~~and 665~~ of this title and shall supersede the
15 award previously made by ~~such~~ the Commissioner.

16 Sec. 43. 21 V.S.A. § 710 is amended to read:

17 § 710. UNLAWFUL DISCRIMINATION

18 * * *

19 (b) No person shall discharge or discriminate against an employee from
20 employment because such employee asserted or attempted to assert a claim for
21 benefits under this chapter or under the law of any state or ~~under~~ of the United

1 States.

2 * * *

3 (e) The Attorney General or a State's Attorney may enforce the provisions
4 of this section by restraining prohibited acts, seeking civil penalties, obtaining
5 ~~assurance~~ assurances of discontinuance, and conducting civil investigations in
6 accordance with the procedures established in 9 V.S.A. §§ 2458-2461 as
7 though discrimination under this section were an unfair act in commerce.

8 * * *

9 Sec. 44. 21 V.S.A. § 1031 is amended to read:

10 § 1031. DEFINITIONS

11 ~~For the purposes of~~ As used in this chapter:

12 * * *

13 (6) "Financial responsibility" means the current and expected future
14 condition of financial solvency sufficient to support a reasonable expectation
15 that an employee leasing company can successfully conduct its business
16 without jeopardizing the interests of the employees leased to the ~~client~~
17 ~~company~~, client company or the public.

18 * * *

19 Sec. 45. 21 V.S.A. § 1103 is amended to read:

20 § 1103. SUPPLEMENTARY INSTRUCTION

21 (a) The Department of Labor shall provide for related and supplementary

1 instruction for apprentices employed under apprenticeship programs registered
2 and approved by the Council, and for all on-the-job trainees. To make certain
3 there is statewide access to training opportunities, the Department shall ensure
4 that instruction in the electrical and plumbing trades is offered at each regional
5 ~~career technical center~~ CTE center, as defined by 16 V.S.A. § 1522(4). If the
6 Department enters into a single-source contract with an entity to provide
7 apprenticeship training, the contract shall specify that access to programs must
8 be available to all Vermont residents, at least through online courses.

9 * * *

10 Sec. 46. 21 V.S.A. § 1153 is amended to read:

11 § 1153. YOUTH IN AGRICULTURE, NATURAL RESOURCES, AND

12 FOOD PRODUCTION CONSORTIUM; POWERS AND DUTIES

13 * * *

14 (b) Among the programs to be reviewed and coordinated by the
15 Consortium are projects that involve agriculture and the environment;
16 programs within the elementary and middle school system which provide
17 hands-on learning, such as “Ag in the Classroom” sponsored by the Agency of
18 Agriculture, Food and Markets, and “Forest, Fields, and Futures” sponsored by
19 UVM Extension Service; and secondary school programs in agriculture and
20 natural resources-related areas in education; “Smokeyhouse” and other career
21 technical education, agriculture, and natural resources programs offered by

1 high schools and ~~career technical centers~~ regional CTE centers. In addition, it
2 shall review and coordinate programs such as the Youth Conservation Corps
3 and the Farm Youth Corps of the Department of Labor which has offered
4 summer employment for students on farms, and other summer employment
5 programs and alternative programs for in-school youth operated outside the
6 public school funding system.

7 * * *

8 Sec. 47. 21 V.S.A. § 1253 is amended to read:

9 § 1253. ELIGIBILITY

10 The Commissioner shall make all determinations for eligibility under this
11 chapter. An individual shall be eligible for up to 26 weekly payments when
12 the Commissioner determines that the individual voluntarily left work due to
13 circumstances directly resulting from domestic and sexual violence, provided
14 the individual:

15 (1) Leaves employment for one of the following reasons:

16 * * *

17 (B) The individual intends to relocate in order to avoid future
18 domestic and sexual violence ~~of~~ against the individual or a member of the
19 individual's family.

20 * * *

21 Sec. 48. 21 V.S.A. § 1314 is amended to read:

1 § 1314. REPORTS AND RECORDS; SEPARATION INFORMATION;
2 DETERMINATION OF ELIGIBILITY; FAILURE TO REPORT
3 EMPLOYMENT INFORMATION; DISCLOSURE OF
4 INFORMATION TO OTHER STATE AGENCIES TO
5 INVESTIGATE MISCLASSIFICATION OR MISCODING

6 * * *

7 (e)(1) Subject to such restrictions as the Board may by regulation
8 prescribe, information from unemployment insurance records may be made
9 available to any public officer or public agency of this or any other state or the
10 federal government dealing with the administration or regulation of relief,
11 public assistance, unemployment compensation, a system of public
12 employment offices, wages and hours of employment, workers' compensation,
13 misclassification or miscoding of workers, occupational safety and health, or a
14 public works program for purposes appropriate to the necessary operation of
15 those offices or agencies. The Commissioner may also make information
16 available to colleges, universities, and public agencies of the State for use in
17 connection with research projects of a public service nature, and to the
18 Vermont Economic Progress Council with regard to the administration of
19 32 V.S.A. chapter 105, subchapter 2; but no person associated with those
20 institutions or agencies may disclose that information in any manner that
21 would reveal the identity of any individual or employing unit from or

1 concerning whom the information was obtained by Commissioner.

2 * * *

3 (4)(A)(i) The Department of Labor shall disclose, upon request, to
4 officers or employees of any State or local agency charged with administering
5 ~~AFDC-TANF~~, any wage information with respect to an identified individual
6 which is contained in its records, which is necessary for the purpose of
7 determining an individual's eligibility for aid or services or the amount of such
8 aid or services to needy families with children.

9 (ii) The term "State or local agency charged with administering
10 ~~AFDC TANF~~" means any such agency administering a plan approved under
11 part A of Title IV of the Social Security Act.

12 (B) The information requested shall not be released unless the
13 requesting ~~AFDC TANF~~ agency agrees to reimburse the Department of Labor
14 for the costs involved in furnishing such information.

15 * * *

16 Sec. 49. 21 V.S.A. § 1325 is amended to read:

17 § 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;

18 DISCLOSURE TO SUCCESSOR ENTITY

19 (a)(1) The Commissioner shall maintain an experience-rating record for
20 each employer. Benefits paid shall be charged against the experience-rating
21 record of each subject employer who provided base-period wages to the

1 eligible individual. Each subject employer's experience-rating charge shall
2 bear the same ratio to total benefits paid as the total base-period wages paid by
3 that employer bear to the total base-period wages paid to the individual by all
4 base-period employers. The experience-rating record of an individual subject
5 base-period employer shall not be charged for benefits paid to an individual
6 under any of the following conditions:

7 * * *

8 (2) If an individual's unemployment is directly caused by a major
9 ~~natural~~ disaster declared by the President of the United States pursuant to
10 42 U.S.C. § 5122 and the individual would have been eligible for federal
11 disaster unemployment assistance benefits but for the receipt of regular
12 benefits, an employer shall be relieved of charges for benefits paid to the
13 individual with respect to any week of unemployment occurring due to the
14 natural disaster up to a maximum amount of four weeks.

15 * * *

16 Sec. 50. 21 V.S.A. § 1329 is amended to read:

17 § 1329. COLLECTION OF UNPAID CONTRIBUTIONS; SUIT

18 (a)(1) If any employer fails to make, when due, any contributions or
19 payments required of him or her under this chapter, the obligation shall carry
20 interest at the rate of:

21 ~~(+)~~(A) one percent per month from due date if the due date is prior to

1 July 31, 1983;

2 ~~(2)~~(B) two and one-half percent per month from due date if the due date
3 is subsequent to July 31, 1983 and on or prior to July 31, 1987;

4 ~~(3)~~(C) one and one-half percent per month from due date if the due date
5 is subsequent to July 31, 1987.

6 (2) It shall be the duty of the Commissioner to collect the overdue
7 obligations and interest. Interest so collected shall be paid into the Contingent
8 Fund provided in section 1365 of this title. Provided, that if an employer has
9 paid such contributions or payments timely to another state through error, the
10 Commissioner may waive such interest. Provided further, that the
11 commissioner may waive all or a portion of such interest in any case in which,
12 in the Commissioner's determination, the untimeliness of the payment was not
13 caused by fault, neglect, or bad faith on the part of the employer.

14 * * *

15 Sec. 51. 21 V.S.A. § 1343 is amended to read:

16 § 1343. CONDITIONS

17 * * *

18 (b) Notwithstanding any other provisions of this chapter, any otherwise
19 eligible claimant regularly attending a training course or program approved for
20 him or her by the Commissioner shall be deemed to be available for work and
21 while attending the course and making satisfactory progress in the training

1 shall not be denied benefits solely because of his or her attendance at the
2 course or because of his or her refusal of an offer of suitable work. Benefits
3 paid to an eligible claimant regularly attending a training course or program,
4 approved as ~~above provided~~, pursuant to this subsection for any
5 unemployment following his or her refusal of an offer of suitable work, shall
6 not be charged against the experience rating record of any employer, but shall
7 be charged to the Fund.

8 * * *

9 Sec. 52. 21 V.S.A. § 1344 is amended to read:

10 § 1344. DISQUALIFICATIONS

11 (a) An individual shall be disqualified for benefits:

12 * * *

13 (2) For any week benefits are claimed, except as provided in subdivision
14 (a)(3) of this section, until he or she has presented evidence to the satisfaction
15 of the Commissioner that he or she has performed services in employment for
16 a bona fide employer and has had earnings in excess of six times his or her
17 weekly benefit amount if the Commissioner finds that such individual is
18 unemployed because:

19 (A) He or she has left the employ of his or her last employing unit
20 voluntarily without good cause attributable to such employing unit. An
21 individual shall not suffer more than one disqualification by reason of such

1 separation. However, an individual shall not be disqualified for benefits if the
2 individual left such employment to accompany a spouse who:

3 (i) is on active duty with the U.S. Armed Forces and is required to
4 relocate due to permanent change of station orders, activation orders, or unit
5 deployment orders, and when such relocation would make it impractical or
6 impossible, as determined by the Commissioner, for the individual to continue
7 working for such ~~employment~~ employing unit; or

8 (ii) holds a commission in the U.S. Foreign Service and is
9 assigned overseas, and when such relocation would make it impractical or
10 impossible, as determined by the Commissioner, for the individual to continue
11 working for such ~~employment~~ employing unit.

12 * * *

13 (F)(i) Notwithstanding any other provisions of this chapter, no
14 otherwise eligible individual shall be denied benefits for any week because:

15 (i)(I) he or she is in training approved under section 236(a)(1) of
16 the Trade Act of 1974, 19 U.S.C. § 2296(a);

17 (ii)(II) nor shall such individual be denied benefits with respect to
18 any week in which he or she is in such approved training by reason of leaving
19 work to enter such training provided the work left is not suitable employment,
20 as defined in section 236(a)(3)(e) of the Trade Act of 1974, 19 U.S.C.
21 § 2296(e); or

1 remuneration to any period during which work is performed, within four
2 weeks prior to the date of separation, shall not be valid for the purpose of
3 determining unemployment compensation entitlement or waiting period credit
4 purposes and such payment shall be allocated to the period immediately
5 following separation.

6 (ii) There shall be no disqualification amount for any holiday.

7 * * *

8 (E)(i) A pension (which shall include a governmental or other
9 pension, retirement or retired pay, annuity, or any other similar periodic
10 payment) under a plan maintained or contributed to by a base period or
11 chargeable employer. The weekly benefit amount payable to such individual
12 for such week shall be reduced (but not below zero):

13 (i)(I) by the entire prorated weekly amount of the pension if no
14 contributions to the plan were made by the individual; or

15 (ii)(II) by no part of the pension if the entire contributions to the
16 plan were provided by such individual, or by the individual and an employer
17 (or any other person or organization); or

18 (iii)(III) by no part of the pension if the services performed by the
19 individual during the base period (or remuneration received for such services)
20 for such employer did not affect the individual's eligibility for, or increase the
21 amount of, such pension, retirement or retired pay, annuity, or similar

1 payment.

2 (ii) Provided that if such remuneration specified in this
3 subdivision, (after applying the provisions of this subdivision) is less than the
4 benefits which would otherwise be due under this chapter, he or she shall be
5 entitled to receive for such week, if otherwise eligible, benefits reduced by the
6 amount of such remuneration (after applying the provisions of this
7 subdivision) after rounding such remuneration to the next higher dollar and the
8 provisions of subdivision 1301(9) and sections 1338a and 1339 of this title do
9 not apply.

10 * * *

11 Sec. 53. 21 V.S.A. § 1347 is amended to read:

12 § 1347. NONDISCLOSURE OR MISREPRESENTATION

13 * * *

14 (b) Any person who receives remuneration described in subdivision
15 1344(a)(5)(A), (B), (C), (D), (E), or (F) of this title which is allocable in
16 whole or in part to prior weeks during which he or she received any amounts
17 as benefits under this chapter shall be liable for all such amounts of benefits or
18 those portions of such amounts equal to the portions of such remuneration
19 properly allocable to the weeks in question. Notice of determination in such
20 cases shall specify that the person is liable to repay to the Fund the amount of
21 overpaid benefits, the basis of the overpayment, and the week or weeks for

1 which such benefits were paid. The determination shall be made within three
2 years from the date of such overpayment or within one year from the date of
3 receipt of the remuneration, whichever period is longer.

4 * * *

5 Sec. 54. 21 V.S.A. § 1378 is amended to read:

6 § 1378. REQUIREMENTS FOR OBTAINING LICENSE OR
7 GOVERNMENTAL CONTRACT

8 * * *

9 (g)(1) For the purposes of this section, a person is in good standing with
10 respect to any and all contributions or payments in lieu of contributions
11 payable if:

12 ~~(1)~~(A) no contributions or payments in lieu of contributions are due
13 and payable;

14 ~~(2)~~(B) the liability for any contributions or payments in lieu of
15 contributions due and payable is on appeal;

16 ~~(3)~~(C) the employing unit is in compliance with a payment plan
17 approved by the Commissioner; or

18 ~~(4)~~(D) in the case of a licensee, the agency finds that requiring
19 immediate payment of contributions or payments in lieu of contributions due
20 and payable would impose an unreasonable hardship.

21 (2) If the agency finds an unreasonable hardship, it may condition

1 renewal on terms which will place the person in good standing with respect to
2 any and all contributions or payments in lieu of contributions as soon as
3 reasonably possible.

4 Sec. 55. 21 V.S.A. § 1502 is amended to read:

5 § 1502. DEFINITIONS

6 As used in this chapter:

7 * * *

8 (14) “Agency fee” means a fee deducted by an employer from the salary
9 or wages of an employee who is not a member of an employee organization,
10 which is paid to the employee organization that is the exclusive bargaining
11 agent for the bargaining unit of the employee. ~~A collective bargaining service~~
12 An agency fee shall not exceed 85 percent of the amount payable as dues by
13 members of the employee organization and shall be deducted in the same
14 manner as dues are deducted from the salary or wages of members of the
15 employee organization and shall be used to defray the costs of chargeable
16 activities.

17 Sec. 56. 21 V.S.A. § 1503 is amended to read:

18 § 1503. RIGHTS OF EMPLOYEES; MUTUAL DUTY TO BARGAIN

19 * * *

20 (b) A labor organization shall not charge the agency fee unless it has
21 established and maintained a procedure to provide nonmembers with:

1 * * *

2 (3) Prompt arbitration by an arbitrator selected jointly by the objecting
3 fee payer and the ~~teachers' or administrators' organization~~ labor organization
4 or pursuant to the rules of the American Arbitration Association to resolve any
5 objection over the amount of the agency fee. The costs of arbitration shall be
6 paid by the labor organization.

7 Sec. 57. 21 V.S.A. § 1623 is amended to read:

8 § 1623. JUDICIAL REVIEW

9 * * *

10 (c) Any aggrieved party to a proceeding under section 1622 of this title
11 may appeal to the Supreme Court under 12 V.S.A. chapter 102 and the
12 Vermont Rules of Appellate Procedure.

13 * * *

14 Sec. 58. 21 V.S.A. § 1729 is amended to read:

15 § 1729. ENFORCEMENT AND REVIEW

16 * * *

17 (c) Any person aggrieved by an order or decision of the Labor Relations
18 Board issued under the authority of this chapter may appeal on questions of
19 law to the Supreme Court under 12 V.S.A. chapter 102 and the Vermont Rules
20 of Appellate Procedure.

21 * * *

1 Sec. 59. 21 V.S.A. § 1733 is amended to read:

2 § 1733. ARBITRATION

3 * * *

4 (b) Where an impasse continues for 20 days after a fact finder has made a
5 report public under subsection 1732(e) of this title, a three-member arbitration
6 panel shall be formed as follows:

7 (1) Each party to the impasse shall select one member of the panel and
8 state its final offer on all disputed issues on the 20th day following publication
9 of the fact finder's report.

10 (2) The two members so selected shall within five days, select the third
11 member of the panel to serve as Chair. If the two members fail to select a third
12 member of the panel within five days, the third member shall be appointed by
13 the Superior Court for the county in which the municipality is situated, upon
14 petition of either party, and notice to the other party.

15 (3) Within 30 days of the appointment of the Chair, the panel shall
16 decide by majority vote all disputed issues involving wages, hours, and
17 conditions of employment as defined by this chapter, and this award shall
18 become an agreement of the parties.

19 * * *

20 Sec. 60. 22 V.S.A. § 951 is amended to read:

21 § 951. DEFINITIONS

1 As used in this chapter:

2 (1) “Public information” means any state data that is included within the
3 information deemed to be public pursuant to the ~~Freedom of Information~~
4 Public Records Act and other provisions of law providing for release of
5 information to the public at large or to specified groups or recipients.

6 * * *

7 Sec. 61. 23 V.S.A. § 1008 is amended to read:

8 § 1008. REGULATIONS IN MUNICIPALITIES

9 (a) The legislative body of a municipality may make special regulations as
10 to the operation, use, and parking of motor vehicles, including angle parking,
11 as to the location, design, and structure of traffic lights, as to “stop” signs and
12 “yield right of way” signs at intersections, as to “no-passing” zones, and as to
13 streets designated for one way traffic in the thickly settled portions of the
14 municipality and may cause any street or highway of adequate width to be
15 divided by appropriate markings into three or more lanes, and may, by
16 ordinance or regulation, regulate the direction of travel and the turning of
17 vehicles proceeding in those lanes and the passing of vehicles in one lane by
18 overtaking vehicles in another lane, may cause markers, buttons, or signs to be
19 placed within or adjacent to intersections and thereby direct the course traveled
20 by vehicles turning at an intersection, and when markers, buttons, or signs are
21 so placed no driver may turn a vehicle at an intersection other than as directed

1 by the markers, buttons, or signs. However, signs indicating the special
2 regulations must be conspicuously posted in and near all areas affected.
3 Special regulations may not be established on any State highway as defined by
4 ~~19 V.S.A. § 19~~ 19 V.S.A. § 1(20). Regulations on all State highways may be
5 made only by the Traffic Committee under section 1003 of this title, except
6 that the Traffic Committee may authorize the legislative body of a
7 municipality to regulate parking within a thickly settled area of a municipality,
8 particularly described in the authorization, on State highways. The board of
9 school directors of a union high school district may make special regulations
10 as to the operation, use, and parking of motor vehicles within the boundaries
11 of its school property.

12 * * *

13 Sec. 62. 24 V.S.A. § 134 is redesignated to read:

14 § 134. COUNTY TAX; COUNTY TREASURER; WARRANT

15 Sec. 63. 24 V.S.A. § 135 is redesignated to read:

16 § 135. COUNTY TAX; PAYMENT BY TOWN

17 Sec. 64. 24 V.S.A. § 214 is redesignated to read:

18 § 214. CARE OF LANDS IN UNORGANIZED TOWNS AND GORES;

19 LEASE LANDS

20 Sec. 65. 24 V.S.A. § 215 is amended to read:

21 § 215. LANDS IN UNORGANIZED TOWNS AND GORES; POWER TO

1 SUE AND DEFEND ACTIONS AS TO SUCH LANDS

2 During the time ~~such~~ the towns or gores described in section 214 of this
3 subchapter remain unorganized, the treasurer may commence and prosecute or
4 defend in the name of the county; any action necessary to recover or protect
5 the possession of such lands; or to recover damages for trespass committed
6 thereon.

7 Sec. 66. 24 V.S.A. § 216 is amended to read:

8 § 216. LANDS IN UNORGANIZED TOWNS AND GORES; RENTS

9 (a) ~~He or she may lease such lands~~ The treasurer may lease the lands
10 described in section 214 of this subchapter in such manner as he or she judges
11 beneficial, reserving rents for the same, which shall annually be paid into the
12 treasury of the county, until the town or gore in which the lands lie is
13 organized. Thereafter the rents shall be paid into the treasury of the town in
14 which the lands lie.

15 (b) Lands granted to the first settled minister shall not be leased at any one
16 time for a longer period than five years, or until a minister is settled who is
17 entitled to the same.

18 Sec. 67. 24 V.S.A. § 217 is amended to read:

19 § 217. DISPOSAL OF RENTS OF LANDS IN UNORGANIZED TOWNS
20 AND GORES

21 When paid into the county treasury, ~~such~~ the rents described in section 216

1 of this subchapter shall be disposed of as other funds in the treasury.

2 Sec. 68. 24 V.S.A. § 220 is amended to read:

3 § 220. TAX WARRANT; PAYMENT BY TOWN

4 Each town treasurer shall present ~~such~~ the warrant described in section 219
5 of this subchapter to the selectboard who shall, within the time required by the
6 warrant, draw an order on the town treasury for the amount of such warrant
7 and ~~such~~ that treasurer shall forthwith pay the county treasurer the amount of
8 such order, which amount shall be assessed by the selectboard as a tax upon
9 the grand list of the town unless otherwise provided for.

10 Sec. 69. 24 V.S.A. § 308 is amended to read:

11 § 308. DEPUTY SHERIFFS; NO COMPENSATION FOR APPOINTMENT;
12 PENALTY

13 (a) A sheriff shall not ask of or receive from his or her deputies any pay,
14 compensation or reward by way of deputation fee, or otherwise, for such
15 appointments.

16 (b) A sheriff who violates a provision of this section shall be fined not
17 more than \$200.00 nor less than \$50.00.

18 Sec. 70. 24 V.S.A. § 1170 is redesignated to read:

19 § 1170. APPOINTMENT OF ASSISTANT CLERK

20 Sec. 71. 24 V.S.A. § 1171 is redesignated to read:

21 § 1171. DUTIES OF ASSISTANT CLERK

1 Sec. 72. 24 V.S.A. § 1172 is redesignated to read:

2 § 1172. ASSISTANT CLERK; RECORD TO COUNTY CLERK

3 Sec. 73. 24 V.S.A. § 1311 is redesignated to read:

4 § 1311. FORFEITURE FOR BREACH OF BYLAWS

5 Sec. 74. 24 V.S.A. § 1317 is redesignated to read:

6 § 1317. ANNEXATION; PROCEDURE

7 Sec. 75. 24 V.S.A. § 1318 is redesignated to read:

8 § 1318. ANNEXATION; FIX TIME FOR VOTING

9 Sec. 76. 24 V.S.A. § 1356 is amended to read:

10 § 1356. FUNCTIONS AND DUTIES OF BOARD OF APPRAISERS

11 (a) The Board of Appraisers shall perform the same functions and duties
12 for the ~~unorganized~~ unified towns and gores of Essex County that ~~the~~ listers
13 perform for their municipality.

14 (b) Except as otherwise specifically provided, the appraisers shall enjoy the
15 same powers, privileges, immunities, and remuneration; and shall be subject to
16 the same obligations, limitations, liabilities, and penalties in respect to their
17 ~~unorganized~~ the unified towns and gores of Essex County; as listers enjoy and
18 are subject to in respect to their municipality.

19 Sec. 77. 24 V.S.A. § 1402 is redesignated to read:

20 § 1402. APPRAISERS; OATH; FILE

21 Sec. 78. 24 V.S.A. § 1404 is redesignated to read:

1 § 1404. SUPERVISORS; COMMISSION AND OATH; RECORD

2 Sec. 79. 24 V.S.A. § 1524 is amended to read:

3 § 1524. TAX LEVIES; HOW KEPT

4 The town treasurer upon receiving from the selectboard a town tax bill
5 under the provisions of 32 V.S.A. § 4791 or the receipt of the tax collector for
6 such bill under the provisions of section 1522 of this title shall credit the town
7 highway department and the town school district, ~~subject, however, to the~~
8 ~~provision of 16 V.S.A. § 513 as to school districts,~~ each with the gross sum of
9 the levy provided for such department and district. The balance of such levy
10 shall be credited to the general fund.

11 Sec. 80. 24 V.S.A. § 1525 is redesignated to read:

12 § 1525. TAX LEVIES; CREDIT FOR GAINS

13 Sec. 81. 24 V.S.A. § 1526 is redesignated to read:

14 § 1526. TAX LEVIES; DEBIT OF GENERAL FUND

15 Sec. 82. 24 V.S.A. § 1533 is amended to read:

16 § 1533. TOWN BOARD FOR THE ABATEMENT OF TAXES

17 The board of civil authority, with the listers and the town treasurer, shall
18 constitute a board for the abatement of town, town school district ~~taxes,~~ and
19 current use taxes. The act of a majority of a quorum at a meeting shall be
20 treated as the act of the board. ~~The above requirement in respect to a quorum~~
21 This quorum requirement need not be met if the town treasurer, a majority of

1 the listers, and a majority of the selectboard are present at the meeting.

2 Sec. 83. 24 V.S.A. § 1536 is redesignated to read:

3 § 1536. ABATEMENT; RECORD; DISCHARGE

4 Sec. 84. 24 V.S.A. § 1583 is redesignated to read:

5 § 1583. OUTSTANDING ORDERS; PUBLICATION OF NOTICE

6 Sec. 85. 24 V.S.A. § 1584 is amended to read:

7 § 1584. OUTSTANDING ORDERS; NO INTEREST AFTER DAY NAMED
8 OF NOTICE

9 When such notice has been given, by publication as ~~aforsaid~~ set forth in
10 section 1583 of this subchapter or by written notice signed by the treasurer and
11 delivered to the holder of any such order, such order shall not draw interest
12 after the day named in the notice, unless the treasurer fails to pay such order
13 on presentation according to the terms of the notice.

14 Sec. 86. 24 V.S.A. § 1685 is amended to read:

15 § 1685. VILLAGE SUBCHAPTER APPLICATION TO VILLAGES

16 Sections 1681-1684 of this ~~title~~ subchapter shall apply to all incorporated
17 villages.

18 Sec. 87. 24 V.S.A. § 1689 is amended to read:

19 § 1689. PENALTY FOR FAILURE TO SEND NOTICE

20 A bank, trust company, or individual who violates a provision of section
21 1687 or 1688 of this ~~title~~ subchapter shall be fined not less than \$10.00 nor

1 more than \$25.00.

2 Sec. 88. 24 V.S.A. § 1758 is amended to read:

3 § 1758. CONDUCT OF MEETINGS

4 * * *

5 (c) A public informational hearing adhering to the requirements of
6 17 V.S.A. § 2680(g) shall be held to discuss the proposition of a school district
7 incurring a bonded debt to pay for an improvement. At such hearing, the
8 school board shall distribute to the participants a written estimate of the
9 percentage of the costs of the improvement that will not be eligible for State
10 school construction aid because its unit costs ~~and/or~~ or allowable space, or
11 both, cause it to exceed the maximum cost for State participation under the
12 State Board of Education's formula for school construction.

13 Sec. 89. 24 V.S.A. § 1772 is redesignated to read:

14 § 1772. AUTHORIZATION REFUNDING BONDS; PROCEDURE AND
15 LIMITATIONS

16 Sec. 90. 24 V.S.A. § 1782 is redesignated to read:

17 § 1782. REGISTERED BONDS; FORM OF CERTIFICATE

18 Sec. 91. 24 V.S.A. § 1783 is redesignated to read:

19 § 1783. REGISTERED BONDS; INDORSEMENT TO BE CONCLUSIVE
20 EVIDENCE OF AUTHORITY

21 Sec. 92. 24 V.S.A. § 1784 is redesignated to read:

1 § 1784. REGISTERED BONDS; TREASURER TO KEEP RECORD

2 Sec. 93. 24 V.S.A. § 1785 is redesignated to read:

3 § 1785. REGISTERED BONDS; CONVERSION NOT TO AFFECT
4 LIABILITY

5 Sec. 94. 24 V.S.A. § 1824 is amended to read:

6 § 1824. SPECIFIC PROVISIONS

7 (a) Generally. Any pledge of net revenues or bond proceeds and earnings
8 thereon made by a municipal corporation under this subchapter shall be
9 binding from the time when the pledge is made. Net revenues or bond
10 proceeds and earnings thereon to be pledged and thereafter received by the
11 municipal corporation shall immediately be subject to the lien of the pledge
12 without any physical delivery thereof or further act, and the lien of any pledge
13 shall be binding against all parties having claims of any kind in tort, contract
14 or otherwise against the municipal corporation, irrespective of whether the
15 parties have notice thereof. Neither the resolution nor any other instrument by
16 which a pledge is created need be filed or recorded except in the records of the
17 municipal corporation.

18 * * *

19 Sec. 95. 24 V.S.A. § 1974 is amended to read:

20 § 1974. ENFORCEMENT OF CRIMINAL ORDINANCES

21 * * *

1 (c) Prosecutions of criminal ordinances shall be brought before the
2 Superior Court pursuant to 4 V.S.A. § 441 ~~32~~.

3 * * *

4 Sec. 96. 24 V.S.A. § 2202a is amended to read:

5 § 2202a. MUNICIPALITIES—RESPONSIBILITIES FOR SOLID WASTE

6 * * *

7 (c)(1) ~~No later than~~ On or before July 1, 1988, each municipality, as
8 defined in subdivision 4303(12) of this title, shall join or participate in a solid
9 waste management district organized pursuant to chapter 121 of this title ~~no~~
10 ~~later than~~ on or before January 1, 1988 or participate in a regional planning
11 commission's planning effort for purposes of solid waste implementation
12 planning, as implementation planning is defined in 10 V.S.A. § 6602.

13 (2) ~~No later than~~ On or before July 1, 1990, each regional planning
14 commission shall work on a cooperative basis with municipalities within the
15 region to prepare a solid waste implementation plan for adoption by all of the
16 municipalities within the region ~~which~~ that are not members of a solid waste
17 district, that conforms to the State Waste Management Plan and describes in
18 detail how the region will achieve the priorities established by 10 V.S.A.
19 § 6604(a)(1). A solid waste implementation plan adopted by a municipality
20 that is not a member of a district shall not in any way require the approval of a
21 district. ~~No later than~~ On or before July 1, 1990, each solid waste district shall

1 adopt a solid waste implementation plan that conforms to the State Waste
2 Management Plan, describes in detail how the district will achieve the
3 priorities established by 10 V.S.A. § 6604(a), and is in conformance with any
4 regional plan adopted pursuant to chapter 117 of this title. Municipalities or
5 solid waste management districts that have contracts in existence as of
6 January 1, 1987, which contracts are inconsistent with the State Solid Waste
7 Plan and the priorities established in 10 V.S.A. § 6604(a), shall not be required
8 to breach those contracts, provided they make good faith efforts to renegotiate
9 those contracts in order to comply. The Secretary may extend the deadline for
10 completion of a plan upon finding that despite good faith efforts to comply, a
11 regional planning commission or solid waste management district has been
12 unable to comply, due to ~~the unavailability of planning assistance funds under~~
13 ~~10 V.S.A. § 6603b(a) or~~ delays in completion of a landfill evaluation under
14 10 V.S.A. § 6605a.

15 * * *

16 Sec. 97. 24 V.S.A. § 2243 is amended to read:

17 § 2243. ADMINISTRATION; DUTIES AND AUTHORITY

18 The Agency of Transportation and the Secretary of Natural Resources are
19 designated as responsible for carrying out the provisions of this subchapter and
20 shall have the following additional responsibilities and powers:

21 (1) The Agency of Transportation or the Secretary of Natural Resources

1 may make such reasonable rules ~~and regulations~~ as it, he, or she deems
2 necessary, provided such rules ~~and regulations~~ do not conflict with any federal
3 laws, rules, and regulations, or the provisions of this subchapter.

4 (2) The Agency of Transportation shall enter into agreements with the
5 U.S. Secretary of Transportation or his or her representatives in order to
6 designate those areas of the State ~~which~~ that are properly zoned or used for
7 industrial activities, and to arrange for federal cost participation.

8 * * *

9 (4) The Agency of Transportation may seek an injunction against a
10 salvage yard ~~which~~ that is in violation of the relevant provisions of this
11 subchapter. The Secretary may enforce the relevant provisions of this chapter
12 under 10 V.S.A. chapter 201.

13 * * *

14 Sec. 98. 24 V.S.A. § 2262 is amended to read:

15 § 2262. ELIGIBILITY

16 The Secretary shall issue a certificate of registration upon finding:

17 * * *

18 (3) The applicant has complied with any ~~regulations~~ rules of the
19 Secretary issued under section 2243 of this title and with screening or fencing
20 requirements ~~which~~ that, under limitations of the surrounding terrain, are
21 capable of feasibly and effectively screening the salvage yard from view of the

1 main traveled way of all highways.

2 Sec. 99. 24 V.S.A. § 2291 is amended to read:

3 § 2291. ENUMERATION OF POWERS

4 For the purpose of promoting the public health, safety, welfare, and
5 convenience, a town, city, or incorporated village shall have the following
6 powers:

7 * * *

8 (28) Notwithstanding any contrary provision of sections 2291a and
9 4413 of this title or 30 V.S.A. chapter 5 or 89, a municipality may adopt
10 an ordinance to establish screening requirements that shall apply to a ground-
11 mounted plant that generates electricity from solar energy. In a proceeding
12 under 30 V.S.A. § 248, the municipality may make recommendations to the
13 Public Service Board applying the ordinance to such a plant. The ordinance
14 may designate the municipal body to make this recommendation. Screening
15 requirements and recommendations adopted under this subdivision shall be a
16 condition of a certificate of public good issued for the plant under 30 V.S.A. §
17 248, provided that they do not prohibit or have the effect of prohibiting the
18 installation of such a plant and do not have the effect of interfering with its
19 intended functional use.

20 * * *

21 (B) In this section ~~section~~ subdivision (28), “plant” shall have the same

1 meaning as in 30 V.S.A. § 8002 and “screening” means reasonable aesthetic
2 mitigation measures to harmonize a facility with its surroundings and includes
3 landscaping, vegetation, fencing, and topographic features.

4 * * *

5 Sec. 100. 24 V.S.A. § 2509 is redesignated to read:

6 § 2509. CUTTING SHADE TREES; HEARING

7 Sec. 101. 24 V.S.A. § 2606 is redesignated to read:

8 § 2606. PHYSICIAN’S RESIDENCE; FINANCING

9 Sec. 102. 24 V.S.A. § 2696 is amended to read:

10 § 2696. ASSOCIATED TOWN HOME

11 Any number of towns may unite for the purpose of supporting a town
12 home. For this purpose they may enter into a ~~compact under chapter 89 of~~
13 ~~Title 24~~ an agreement under chapter 121 of this title.

14 Sec. 103. 24 V.S.A. § 2806 is redesignated to read:

15 § 2806. CONDEMNED LAND; NOTICE TO MORTGAGEE;

16 APPLICATION OF PAYMENT

17 Sec. 104. 24 V.S.A. § 2807 is redesignated to read:

18 § 2807. PROCEDURE FOR TAKING LAND

19 Sec. 105. 24 V.S.A. § 2808 is redesignated to read:

20 § 2808. CONDEMNATION; RECORD OF ORDERS AND PROCEEDINGS

21 Sec. 106. 24 V.S.A. § 2811 is redesignated to read:

1 § 2811. COMMISSIONER'S NOTICE, HEARING, AND REPORT;

2 COSTS SUPERIOR COURT ORDER

3 Sec. 107. 24 V.S.A. § 3102 is amended to read:

4 § 3102. BUILDING INSPECTORS

5 (a) Upon the adoption of any codes, rules, or regulations as provided in
6 section 3101 of this title, the mayor and board of aldermen of a city, the
7 selectboard of a town, or the trustees of an incorporated village shall appoint
8 and may remove a building inspector, and may appoint and may remove a
9 deputy building inspector, prescribe their duties, and fix their compensation.

10 (b) The building inspector ~~and/or~~ and any deputy building inspector shall
11 be a disinterested and competent person with experience in the construction of
12 various types of buildings.

13 Sec. 108. 24 V.S.A. § 3217 is amended to read:

14 § 3217. COOPERATION BY PUBLIC BODIES

15 (a)(1) For the purpose of aiding in the planning, undertaking, or carrying
16 out of an urban renewal project located within the area in which it is
17 authorized to act, any public body may, upon such terms, with or without
18 consideration, as it may determine:

19 (1)(A) ~~(1)(A)~~ dedicate, sell, convey, or lease any of its interest in any
20 property or grant easements, licenses, or other rights or privileges therein to a
21 municipality;

1 ~~(2)~~(B) incur the entire expense of any public improvements made by
2 such public body in exercising the powers granted in this section;

3 ~~(3)~~(C) do any and all things necessary to aid or cooperate in the
4 planning or carrying out of an urban renewal plan;

5 ~~(4)~~(D) lend, grant, or contribute funds to a municipality;

6 ~~(5)~~(E) enter into agreements ~~which~~ that may extend over any period,
7 notwithstanding any provisions or rule of law to the contrary, with a
8 municipality or other public body respecting action to be taken pursuant to any
9 of the powers granted by this chapter, including the furnishing of funds or
10 other assistance in connection with an urban renewal project; and

11 ~~(6)~~(F) cause public buildings and public facilities, including parks,
12 playgrounds, recreational, community, educational, water, sewer or drainage
13 facilities, or any other works ~~which~~ that it is otherwise empowered to
14 undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade,
15 regrade, plan or replan streets, roads, sidewalks, ways or other places; plan ~~or~~,
16 replan, zone, or rezone any part of the public body or make exceptions from
17 building regulations; and cause administrative and other services to be
18 furnished to the municipality.

19 (2) If at any time title to or possession of any urban renewal project is
20 held by any public body or governmental agency, other than the municipality,
21 ~~which~~ that is authorized by law to engage in the undertaking, carrying out, or

1 administration of urban renewal projects, including any agency or
2 instrumentality of the United States of America, the provisions of the
3 agreements referred to in this section shall inure to the benefit of and may be
4 enforced by such public body or governmental agency.

5 (3) As used in this subsection, the term “municipality” shall also include
6 an urban renewal agency or a housing authority vested with all of the urban
7 renewal project powers pursuant to the provisions of section 3219 of this title.

8 * * *

9 (d)(1) For the purposes of this section, or for the purpose of aiding in the
10 planning, undertaking, or carrying out of an urban renewal project of a
11 municipality, ~~such~~ that municipality may, in addition to any authority to issue
12 bonds pursuant to section 3214 of this title, issue and sell its general obligation
13 bonds.

14 (2) Any bonds issued by a municipality pursuant to this section shall be
15 issued in the manner and within the limitations prescribed by the laws of this
16 state for the issuance and authorization of bonds by ~~such~~ that municipality for
17 public purposes generally. However, bonds so issued:

18 (1)(A) shall not be considered as indebtedness of ~~such~~ the
19 municipality limited by the provisions of section 1762 of this title or any other
20 general or special law; and

21 (2)(B) may be authorized by a majority of all the voters present and

1 voting on the question at a meeting of such municipality held for the purpose
2 pursuant to subchapter 1 of chapter 53 of this title or pursuant to the provisions
3 of any special law ~~which~~ that governs the authorization of indebtedness by
4 ~~such~~ the municipality.

5 (3)(A) So long as any such bonds of a the municipality are outstanding
6 the local governing body may deduct, in any one or more years from any net
7 increase in the aggregate taxable valuation of land and improvements in all
8 areas covered by urban renewal plans the amount necessary to produce tax
9 revenues equal to the current debt service on such bonds, assuming the
10 previous year's total tax rate and full collection.

11 (B) Only the balance, if any, of such net increase shall be taken into
12 account in computing the sums ~~which~~ that may be appropriated for other
13 purposes under applicable tax rate limits.

14 (C) ~~But all~~ All the taxable property in all areas covered by urban
15 renewal plans, including the whole of such net increase, shall be subject to the
16 same total tax rate as other taxable property, except as may be otherwise
17 provided by law.

18 (D) ~~Such~~ The net increase shall be computed each year by
19 subtracting, from the current aggregate valuation of the land and
20 improvements in all the areas covered by urban renewal plans, the sum of the
21 aggregate valuations of land and improvements in each such area on the date

1 the urban plan for such area was approved under ~~section~~ subsection 3207(f) of
2 this title. An area shall be deemed to be covered by an urban renewal plan
3 until the date shown in the plan as its expiration date or until the date all the
4 indebtedness incurred by the municipality to finance the applicable project has
5 been paid, whichever date is later.

6 (4) All the provisions of this subsection shall apply to all municipalities,
7 notwithstanding any provision of general or special law ~~which~~ to the contrary
8 that specifies a different debt limit, ~~which~~ that requires a greater vote to
9 authorize bonds, ~~which~~ that prescribes a different computation of
10 appropriations under tax rate limits, or ~~which~~ that is otherwise inconsistent
11 with this subsection ~~to the contrary notwithstanding~~.

12 Sec. 109. 24 V.S.A. § 4756 is amended to read:

13 § 4756. ELIGIBILITY CERTIFICATION

14 (a) No construction loan or loan for the purchase of land or conservation
15 easements to a municipality shall be made under this chapter, nor shall any
16 part of any revolving fund which is designated for project construction be
17 expended under section 4757 of this title, until such time as:

18 * * *

19 (6) The Secretary shall certify to the Bond Bank that any management
20 program to be financed under subdivision 4753(a)(1) and section 4754 of this
21 title is in conformance with all applicable State and federal laws, and all

1 ~~regulations promulgated~~ rules and regulations adopted thereunder;

2 * * *

3 (b) The Bond Bank may make loans to a municipality for the preparation
4 of final engineering plans and specifications subject to the following
5 conditions and limitations:

6 * * *

7 (2) The Secretary of Natural Resources shall have certified to the Bond
8 Bank that the project:

9 * * *

10 (C) is in conformance with applicable State and federal law and rules
11 and regulations adopted thereunder.

12 * * *

13 Sec. 110. 24 V.S.A. § 5605 is amended to read:

14 § 5605. RECREATIONAL FACILITIES GRANT PROGRAM

15 * * *.

16 (c) Administrative support. The Department of Buildings and General
17 Services shall provide administrative support to the Program.

18 Sec. 111. 24 V.S.A. § 5606 is amended to read:

19 § 5606. HUMAN SERVICES AND EDUCATIONAL FACILITIES
20 COMPETITIVE GRANT PROGRAM

21 * * *

1 Treasurer who shall make timely periodic reports thereof to the Council.

2 (f) Enterprise and special revenue budgets. The Manager shall submit
3 enterprise and special revenue budgets to the Council. The Council may
4 amend and shall approve the enterprise and special revenue budgets prior to
5 the start of each fiscal year.

6 Sec. 115. 24 App. V.S.A. chapter 19, § 705 is amended to read:

7 § 705. CAPITAL IMPROVEMENT PLAN

8 * * *

9 (c) Revisions and extensions. The information in this section may be
10 revised and extended each year with regard to capital improvements still
11 pending or in process of construction or acquisition.

12 Sec. 116. 24 App. V.S.A. chapter 129, § 202 is amended to read:

13 § 202. ELECTIVE OFFICERS

14 (a) Officers. The officers elected at its annual meeting shall be:

15 * * *

16 Sec. 117. 26 V.S.A. § 1354 is amended to read:

17 § 1354. UNPROFESSIONAL CONDUCT

18 (a) The Board shall find that any one of the following, or any combination
19 of the following, whether ~~or not~~ the conduct at issue was committed within or
20 outside the State, constitutes unprofessional conduct:

21 * * *

1 § 2665. POWERS AND DUTIES OF THE DIRECTOR

2 (a) The Director shall:

3 (1) adopt only those rules for the full and efficient performance of its
4 duties;

5 * * *

6 (3) establish standards of education required of applicants for licensing
7 and establish, by appropriate rules ~~and regulations~~, the minimum standards for
8 any school presenting a course for present or future opticians;

9 * * *

10 (b) The Director shall not:

11 (1) adopt any rules ~~or regulations~~ prohibiting lawful advertising, the
12 display of ophthalmic materials or merchandise, or limiting the place or
13 location where opticians may practice; or

14 * * *

15 Sec. 120. 29 V.S.A. § 1158 is amended to read:

16 § 1158. ACTS AND RESOLVES; VERMONT STATUTES ANNOTATED;

17 DISTRIBUTION

18 (a) The State Librarian shall deliver the Acts and Resolves as follows: to
19 the Secretary of State, six copies; to the Clerk of the U.S. Supreme Court for
20 the use of the Court, one copy; to the Governor's Office and to the Governor
21 and Lieutenant Governor, one copy each; to the Library of Congress, four

1 copies; to each county clerk, three copies; one to each of the following officers
2 and institutions: each department of the U.S. government and upon request to
3 federal libraries, elective and appointive State officers, the clerk of each State
4 board or commission, superintendent of each State institution, the library of
5 the University of Vermont, the ~~libraries~~ library of Castleton, University, the
6 libraries of Johnson, and Lyndon State Colleges, Vermont Technical College,
7 Middlebury College, Norwich University, St. Michael's College, senators and
8 representatives of this State in Congress, members of the General Assembly
9 during the session at which such laws were adopted, the Secretary and
10 Assistant Secretary of the Senate, Clerk and Assistant Clerks of the House of
11 Representatives, the judges, attorney, marshal, and clerk of the U.S. District
12 Court in this State, the judge of the Second Circuit U.S. Court of Appeals from
13 Vermont, Justices and ex-Justices of the Supreme Court, Superior judges, the
14 reporter of decisions, judges and registers of probate, sheriffs, State's
15 Attorneys, town clerks; one each, upon request and as the available supply
16 permits, to assistant judges, justices of the peace, the chair of the legislative
17 body of each municipality and town treasurers; one within the State, to the
18 Vermont Historical Society, to each county or regional bar law library, and one
19 copy to each state or territorial library or Supreme Court library, and foreign
20 library which makes available to Vermont its comparable publication, provided
21 that if any of these officials hold more than one of the offices named, that

1 official shall be entitled to only one copy.

2 * * *

3 Sec. 121. 30 V.S.A. § 51 is amended to read:

4 § 51. RESIDENTIAL BUILDING ENERGY STANDARDS; STRETCH
5 CODE

6 * * *

7 (c) Revision and interpretation of energy standards. The Commissioner of
8 Public Service shall amend and update the RBES, by means of administrative
9 rules adopted in accordance with 3 V.S.A. chapter 25. ~~No later than~~ On or
10 before January 1, 2011, the Commissioner shall complete rulemaking to
11 amend the energy standards to ensure that, to comply with the standards,
12 residential construction must be designed and constructed in a manner that
13 complies with the 2009 edition of the IECC. ~~These amendments shall be~~
14 ~~effective three months after final adoption and shall apply to construction~~
15 ~~commenced on and after the date they become effective.~~ After January 1,
16 2011, the Commissioner shall ensure that appropriate revisions are made
17 promptly after the issuance of updated standards for residential construction
18 under the IECC. The Department of Public Service shall provide technical
19 assistance and expert advice to the Commissioner in the interpretation of the
20 RBES and in the formulation of specific proposals for amending the RBES.
21 Prior to final adoption of each required revision of the RBES, the Department

1 of Public Service shall convene an Advisory Committee to include one or
2 more mortgage lenders, builders, building designers, utility representatives,
3 and other persons with experience and expertise, such as consumer advocates
4 and energy conservation experts. The Advisory Committee may provide the
5 Commissioner with additional recommendations for revision of the RBES.

6 * * *

7 (2) ~~Except for the amendments required by this subsection to be adopted~~
8 ~~by January 1, 2011, each~~ Each time the RBES are amended by the
9 Commissioner, the amended RBES shall become effective upon a date
10 specified in the adopted rule, a date that shall not be less than three months
11 after the date of adoption. ~~Except for the amendments required by this~~
12 ~~subsection to be adopted by January 1, 2011, persons~~ Persons commencing
13 residential construction before the effective date of the amended RBES shall
14 have the option of complying with the applicable provisions of the earlier or
15 the amended RBES. After the effective date of the original or the amended
16 RBES, any person commencing residential construction shall comply with the
17 most recent version of the RBES.

18 * * *

19 Sec. 122. 30 V.S.A. § 53 is amended to read:

20 § 53. COMMERCIAL BUILDING ENERGY STANDARDS

21 * * *

1 (c) Revision and interpretation of energy standards. ~~No later than~~ On or
2 before January 1, 2011, the Commissioner shall complete rulemaking to
3 amend the commercial building energy standards to ensure that commercial
4 building construction must be designed and constructed in a manner that
5 complies with ANSI/ASHRAE/IESNA standard 90.1-2007 or the 2009 edition
6 of the IECC, whichever provides the greatest level of energy savings. ~~These~~
7 ~~amendments shall be effective three months after final adoption and shall~~
8 ~~apply to construction commenced on and after the date they become effective.~~
9 At least every three years after January 1, 2011, the Commissioner of Public
10 Service shall amend and update the CBES by means of administrative rules
11 adopted in accordance with 3 V.S.A. chapter 25. The Commissioner shall
12 ensure that appropriate revisions are made promptly after the issuance of
13 updated standards for commercial construction under the IECC or
14 ASHRAE/ANSI/IESNA standard 90.1, whichever provides the greatest level
15 of energy savings. Prior to final adoption of each required revision of the
16 CBES, the Department of Public Service shall convene an Advisory
17 Committee to include one or more mortgage lenders; builders; building
18 designers; architects; civil, mechanical, and electrical engineers; utility
19 representatives; and other persons with experience and expertise, such as
20 consumer advocates and energy conservation experts. The Advisory
21 Committee may provide the Commissioner of Public Service with additional

1 recommendations for revision of the CBES.

2 (1) Any amendments to the CBES shall be:

3 * * *

4 (2) ~~Except for the amendments required by this subsection to be adopted~~
5 ~~by January 1, 2011, each~~ Each time the CBES are amended by the
6 Commissioner of Public Service, the amended CBES shall become effective
7 upon a date specified in the adopted rule, a date that shall not be less than three
8 months after the date of adoption. ~~Except for the amendments required by this~~
9 ~~subsection to be adopted by January 1, 2011, persons~~ Persons submitting an
10 application for any local permit authorizing commercial construction, or an
11 application for construction plan approval by the Commissioner of Public
12 Safety pursuant to 20 V.S.A. chapter 173, before the effective date of the
13 amended CBES shall have the option of complying with the applicable
14 provisions of the earlier or the amended CBES. After the effective date of the
15 original or the amended CBES, any person submitting such an application for
16 commercial construction in an area subject to the CBES shall comply with the
17 most recent version of the CBES.

18 * * *

19 Sec. 123. 30 V.S.A. § 202 is amended to read:

20 § 202. ELECTRICAL ENERGY PLANNING

21 * * *

1 (e) The Department shall conduct public hearings on the final draft and
2 shall consider the evidence presented at such hearings in preparing the final
3 Plan. The Plan shall be adopted ~~no later than~~ on or before January 1, 2016 and
4 readopted in accordance with this section ~~by~~ on or before every sixth
5 January 15 thereafter, and shall be submitted to the General Assembly each
6 time the plan is adopted or readopted. The provisions of 2 V.S.A. § 20(d)
7 (expiration of required reports) shall not apply to the submission to be made
8 under this subsection.

9 * * *

10 Sec. 124. 30 V.S.A. § 202b is amended to read:

11 § 202b. STATECOMPREHENSIVE ENERGY PLAN

12 * * *

13 (c) The Department shall adopt a State Energy Plan on or before January 1,
14 2016 and shall readopt the Plan ~~by~~ on or before every sixth January 15
15 thereafter. On adoption or readoption, the Plan shall be submitted to the
16 General Assembly. The provisions of 2 V.S.A. § 20(d)(expiration of required
17 reports) shall not apply to such submission.

18 * * *

19 Sec. 125. 30 V.S.A. § 248 is amended to read:

20 § 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND
21 FACILITIES; CERTIFICATE OF PUBLIC GOOD

1 (a)(1) No company, as defined in section 201 of this title, may:

2 * * *

3 (2) Except for the replacement of existing facilities with equivalent
4 facilities in the usual course of business, and except for electric generation
5 facilities that are operated solely for on-site electricity consumption by the
6 owner of those facilities and for hydroelectric generation facilities subject to
7 licensing jurisdiction under the Federal Power Act, 16 U.S.C. chapter 12,
8 subchapter 1:

9 (A) no company, as defined in section 201 of this title, and no
10 person, as defined in 10 V.S.A. § 6001(14), may begin site preparation for or
11 construction of an electric generation facility or electric transmission facility
12 within the State ~~which~~ that is designed for immediate or eventual operation at
13 any voltage; and

14 * * *

15 (4)(A) With respect to a facility located in the State, the Public Service
16 Board shall hold a nontechnical public hearing on each petition for such
17 finding and certificate in at least one county in which any portion of the
18 construction of the facility is proposed to be located.

19 (B) The Public Service Board shall hold technical hearings at
20 locations ~~which~~ that it selects.

21 * * *

1 efficiency and load management measures, including those developed pursuant
2 to the provisions of subsection 209(d), section 218c, and subsection 218(b) of
3 this title. In determining whether this criterion is met, the Board shall assess
4 the environmental and economic costs of the purchase, investment, or
5 construction in the manner set out under subdivision 218c(a)(1)(least cost
6 integrated plan) of this title and, as to a generation facility, shall consider
7 whether the facility will avoid, reduce, or defer transmission or distribution
8 system investments.

9 * * *

10 (c)(1) Except as otherwise provided in subdivision (j)(3) of this section, in
11 the case of a municipal plant or department formed under local charter or
12 chapter 79 of this title or a cooperative formed under chapter 81 of this title,
13 any proposed investment, construction, or contract ~~which is~~ subject to this
14 section shall be approved by a majority of the voters of a municipality or the
15 members of a cooperative voting upon the question at a duly warned annual or
16 special meeting to be held for that purpose. However, in the case of a
17 cooperative formed under chapter 81 of this title, an investment in or
18 construction of an in-state electric transmission facility shall not be subject to
19 the requirements of this subsection if the investment or construction is solely
20 for reliability purposes and does not include new construction or upgrades to
21 serve a new generation facility.

1 contract, memorandum of understanding, or other transaction in which a
2 person or entity agrees to transfer such revenues or rights associated with such
3 attributes to the provider.

4 * * *

5 Sec. 128. 31 V.S.A. § 608 is amended to read:

6 § 608. APPLICATION; BOND

7 Fair associations or corporations ~~which~~ that now conduct annual
8 agricultural fairs in Vermont, or Vermont corporations ~~who~~ that wish to
9 conduct extended race meetings, with a percentage as designated for the
10 benefit of ~~State Stipend Fund~~ the Racing Special Fund established pursuant to
11 section 630 of this title, shall be eligible to apply for a license. An eligible
12 association or corporation desiring to hold a running or harness horse race or
13 meet for public exhibition at which pari-mutuel pools are to be sold, shall
14 apply to the Commission to do so. Every fair association, or corporation
15 conducting horse racing or meets at which pari-mutuel pools are to be sold
16 under license from the Commission ~~created herein~~ shall give a bond in a sum
17 not to exceed \$75,000.00 as shall be determined by the Commission, with
18 good and sufficient surety or sureties, conditioned upon the faithful
19 performance of its duties and obligations to the State of Vermont as prescribed
20 herein by this chapter.

21 Sec. 129. 31 V.S.A. § 615 is amended to read:

1 § 615. PARI-MUTUEL POOLS

2 * * *

3 (c) From the pari-mutuel pool the Racing Commission established pursuant
4 to section 602 of this title shall receive the applicable percentage ~~stated below~~
5 as set forth in this subsection and the licensee shall retain the balance of the
6 pari-mutuel pool commission:

7 * * *

8 (5) During any calendar year the number of programs which the
9 licensee is licensed by the Commission to conduct shall determine the amount
10 of the payments to be made under this section to the Racing Commission
11 established pursuant to section 602 of this title. If, in any year, the licensee
12 fails to conduct the full number of licensed programs, any payment shortage
13 shall be reimbursed immediately as due. The Commission has the duty and
14 authority to make prompt orders, as necessary, to assure reimbursement. The
15 funds received by the Racing Commission shall be managed pursuant to
16 ~~32 V.S.A. chapter 7, subchapter 5~~ section 630 of this title, and shall be
17 available to the Racing Commission to offset the costs of providing its
18 services.

19 * * *

20 Sec. 130. 31 V.S.A. § 622 is amended to read:

21 § 622. TOWN VOTE; APPROVAL, REVOCATION

1 (a) A license shall not be issued by the Commission under this chapter for
2 holding a race meet in any town until the town, at an annual or special meeting
3 called for the purpose, has, by majority vote of those present and voting,
4 approved the issuance of licenses under this chapter in the town. The
5 ~~Commission may issue a license for holding greyhound race meets without any~~
6 ~~additional voting approval by the town, in any town which has, prior to~~
7 ~~April 1, 1974, approved the issuance of licenses for horse race meets.~~

8 * * *

9 Sec. 131. 32 V.S.A. § 101 is amended to read:

10 § 101. COMMUNICATIONS TO GOVERNOR AND ASSEMBLY

11 The Treasurer shall prepare an annual financial report and shall submit to
12 the Governor ~~or~~ and either House of the General Assembly; ~~abstracts;~~ copies
13 of accounts; or official documents of any kind ~~in the office or;~~ and information
14 relating to the revenue, ~~to the official transactions or to,~~ and the Department of
15 the Treasury ~~and prepare an annual financial report.~~

16 Sec. 132. 32 V.S.A. § 312 is amended to read:

17 § 312. TAX EXPENDITURE REPORT

18 (a) As used in this section, “tax expenditure” shall mean the actual or
19 estimated loss in tax revenue resulting from any exemption, exclusion,
20 deduction, credit, preferential rate, or deferral of liability applicable to the tax.

21 Tax expenditures shall not include the following:

1 (1) revenue outside the taxing power of the State;

2 * * *

3 (4) revenue forgone for the purpose of avoiding government taxing
4 itself.

5 (b) Tax expenditure reports. Biennially, as part of the budget process,
6 beginning January 15, 2009, the Department of Taxes and the Joint Fiscal
7 Office shall file with the House Committees on Ways and Means and on
8 Appropriations and the Senate Committees on Finance and on Appropriations
9 a report on tax expenditures in the personal and corporate income taxes, sales
10 and use tax, and meals and rooms tax, insurance premium tax, bank franchise
11 tax, education property tax, diesel fuel tax, gasoline tax, and motor vehicle
12 purchase and use tax. The Office of Legislative Council shall also be available
13 to assist with this tax expenditure report. The provisions of 2 V.S.A. § 20(d)
14 (expiration of required reports) shall not apply to the report to be made under
15 this subsection. The report shall include, for each tax expenditure, the
16 following information:

17 * * *

18 (c) [Repealed.]

19 * * *

20 Sec. 133. 32 V.S.A. § 404 is amended to read:

21 § 404. RETURNED PAYMENTS;PENALTY

1 (b)(1) One hundred percent of Vermont's federally allocated State ceiling
2 on the volume of private activity bonds ~~which~~ that may be issued in any
3 calendar year is hereby allocated to the State. The Emergency Board
4 established by ~~3~~ 32 V.S.A. chapter 3 shall be the duly authorized agency of the
5 State having the power to apportion the State's private activity bond ceiling to
6 and among the constituted issuing authorities empowered to issue such bonds.
7 The Emergency Board shall exercise this power on or before January 31 in
8 each calendar year by apportioning the ceiling among issuing authorities,
9 reserving such portion as the Board deems appropriate in the form of a
10 contingency allocation to be available to all issuing authorities at the discretion
11 of the Emergency Board, pursuant to policies and guidelines established by the
12 Board.

13 (2) The Board may delegate the power and authority granted to it under
14 this section to the Governor, subject to the Board's policies and guidelines, for
15 any assignments or reallocations of any unused portion of the ceiling made
16 after December 20 in any calendar year. All assignments or reallocations of
17 the private activity bond ceiling made pursuant to this section shall be made in
18 writing in accordance with Section 146 of the Internal Revenue Code of 1986.
19 Sec. 136. [Deleted.]
20 Sec. 137. 32 V.S.A. § 5864 is amended to read:

21 § 5864. FAILURE TO FILE A RETURN; PETITION AND COMPUTATION

1 be stayed.

2 * * *

3 (b) Notwithstanding subsection (a) of this section, the Commissioner, if he
4 or she believes the collection from a taxpayer of any deficiency, penalty, or
5 interest to be in jeopardy, may demand, in writing, that the taxpayer pay the
6 deficiency, penalty, or interest forthwith. The demand may be made
7 concurrently with, or after, the notice of deficiency or the assessment of
8 penalty, or interest given to the taxpayer under ~~section 5881~~ sections 3202 and
9 3203 of this title. The amount of deficiency, penalty, or interest shall be
10 collectible by the Commissioner on the date of the demand, unless the
11 taxpayer files with the Commissioner a bond in an amount equal to the
12 deficiency, penalty, or interest sought to be collected as security for such
13 amount as finally may be determined. In the event that it is finally determined
14 that the taxpayer was not liable for the amount of the deficiency, penalty, or
15 interest referred to in any demand under this subsection, the Commissioner
16 shall reimburse the taxpayer, promptly upon such determination, for the
17 reasonable cost to the taxpayer of any bond obtained by him or her for the
18 purposes of this subsection.

19 Sec. 139. 32 V.S.A. § 5887 is amended to read:

20 § 5887. REMEDY EXCLUSIVE; DETERMINATION FINAL

21 (a) The exclusive remedy of a taxpayer with respect to the refund of

1 monies paid in connection with a return filed under this chapter shall be the
2 petition for refund provided under section 5884 of this title, and the appeal
3 from an adverse determination of the petition for refund provided under
4 section 5885 of this title. The exclusive remedy of a taxpayer with respect to a
5 notification of deficiency or assessment of penalty or interest under ~~section~~
6 ~~5884~~ sections 3202 and 3203 of this title shall be the petition for determination
7 of the deficiency or assessment provided under section 5883 of this title, and
8 the appeal from an adverse determination of deficiency or assessment provided
9 under section 5885 of this title.

10 (b) Upon the failure of a taxpayer to petition in accordance with section
11 5883 of this title from a notice of deficiency or assessment under ~~section 5884~~
12 sections 3202 and 3203 of this title, or to appeal in accordance with section
13 5885 of this title from a determination of a deficiency or assessment of tax
14 liability under section 5883 of this title, the taxpayer shall be bound by the
15 terms of the notification, assessment, or determination, as the case may be.
16 The taxpayer shall not thereafter contest, either directly or indirectly, the tax
17 liability as therein set forth, in any proceeding including, ~~without limitation,~~ a
18 proceeding upon a claim of refund of all or any part of any payment made with
19 respect to the tax liability, or a proceeding for the enforcement or collection of
20 all or any part of the tax liability.

21 * * *

1 Sec. 140. 32 V.S.A. § 5895 is amended to read:

2 § 5895. TAX LIABILITY AS PROPERTY LIEN

3 (a)(1) If any corporation, partnership, individual, trust, or estate required to
4 pay or remit any tax liability under this chapter neglects or refuses to pay it in
5 accordance with this chapter after notification or assessment thereof under
6 ~~section 5881~~ sections 3202 and 3203 of this title, the aggregate amount of the
7 tax liability then due and owing, together with any costs that may accrue in
8 addition thereto, shall be a lien in favor of this State upon all property and
9 rights to property, whether real or personal, belonging to the corporation,
10 partnership, individual, trust, or estate.

11 (2) The lien shall arise at the time the notification or assessment is made
12 by the Commissioner and shall continue until the aggregate tax liability with
13 costs is satisfied in full or becomes unenforceable by reason of lapse of time.
14 The lien shall be valid as against any subsequent mortgagee, pledgee,
15 purchaser, or judgment creditor when notice of the lien and the sum due has
16 been filed by the Commissioner with the clerk of the town or city in which the
17 property subject to lien is situated, or, in the case of an unorganized town,
18 gore, or grant, in the office of the clerk of the county wherein the property is
19 situated.

20 (3) In the case of a motor vehicle, the lien shall also be valid when a
21 notation of the lien is made on the certificate of title and shall only be valid as

1 against any subsequent mortgagee, pledgee, bona fide purchaser, or judgment
2 creditor when such notation is made.

3 (4) In the case of any prior mortgage on any real or personal property so
4 written as to secure a present debt and also future advances by the mortgagee
5 to the mortgagor, the lien ~~herein provided~~ established pursuant to this section,
6 when notice thereof has been filed in the proper clerk's office, shall be subject
7 to the prior mortgage unless the Commissioner also notifies the mortgagee of
8 the recording of the lien in writing, in which case any indebtedness thereafter
9 created from the mortgagor to the mortgagee shall be junior to the lien ~~herein~~
10 ~~provided for~~ established pursuant to this section.

11 * * *

12 Sec. 141. INTERPRETATION

13 It is the intent of the General Assembly that the technical amendments in
14 this act shall not supersede substantive changes contained in other acts passed
15 by the General Assembly. Where possible, the amendments in this act shall be
16 interpreted to be supplemental to other amendments to the same sections of
17 statute; to the extent the provisions conflict, the substantive changes in other
18 acts shall take precedence over the technical changes in this act.

19 Sec. 142. REPEALS

20 The following are repealed:

21 (1) 3 V.S.A. § 117(i) (delivery of printed volumes).

1 (2) 21 V.S.A. § 520 (transitory provisions; therapeutic drug regulation).

2 (3) 21 V.S.A. § 1153(c) (Food Production Consortium progress reports).

3 Sec. 143. EFFECTIVE DATE

4 This act shall take effect on July 1, 2017.